

ZB# 92-39

Jeffrey Rose

20-1-27

Adm.

#92-39- Rose, Jeff

near yd. - existing addition

October 26, 1992.

Motion to schedule

pt. -

Need copies of:

- ① Deed 4
- ② Title Policy 4
- ③ Photos. 4
- ④ Fees: \$50.00
250.00

CCPD referral

(Rt. 9W). - 10/30/92 4

Notice to Sentinel - 10/30/92

November 23, 1992.

Do Decision

Refund \$20.86 pd.

(Granted Area

Variance 11/23/92

MADE IN U.S.A.

NO. 753 1/3

✠ ESSELTE

Oxford®

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

12573

November 2 1992

Received of

Jeffrey R. Rose, Jr.

\$ 50.00

Fifty and 00/100

DOLLARS

For

Young Boara Fee 92-39

DISTRIBUTION

FUND	CODE	AMOUNT
0571	872	50.00

By

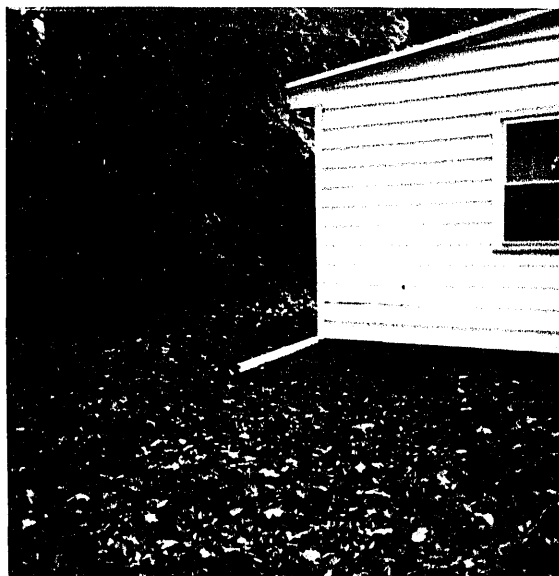
Pauline J. Thorsen

CS

Treas Clerk

Title

© WILLIAMSON LAW BOOK CO., VICTOR, N.Y. 14564



18

FUND	CODE	AMOUNT
0611	872	50.00

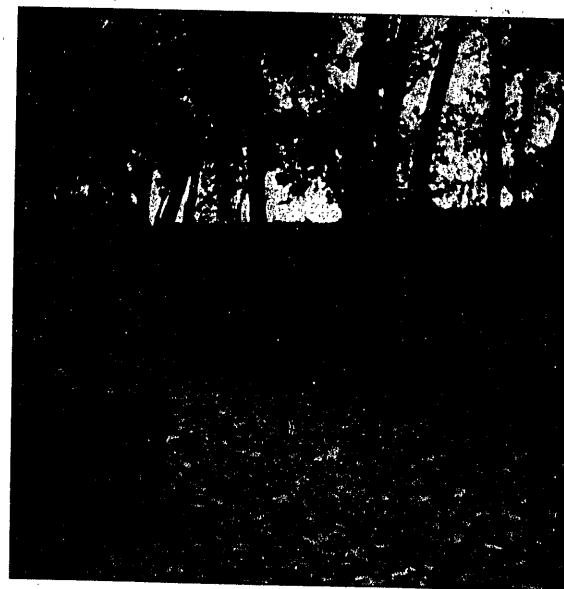
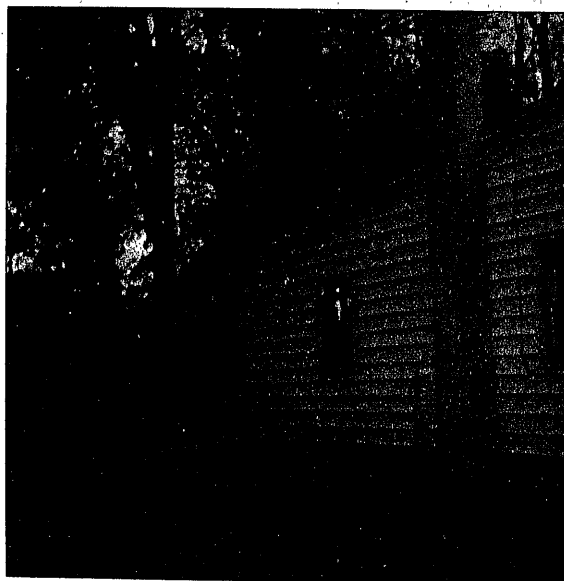
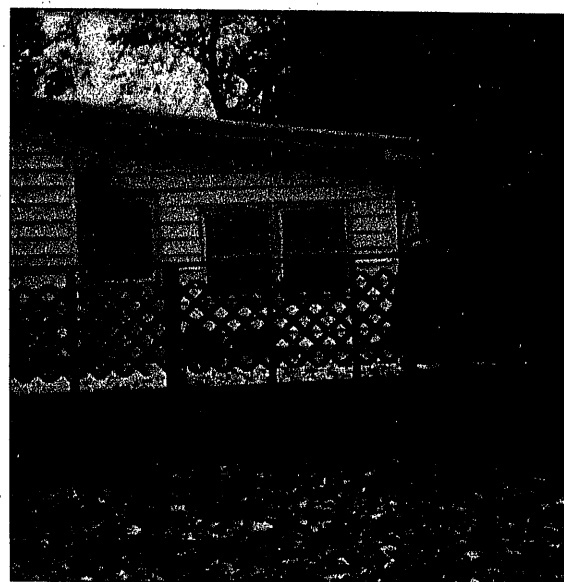
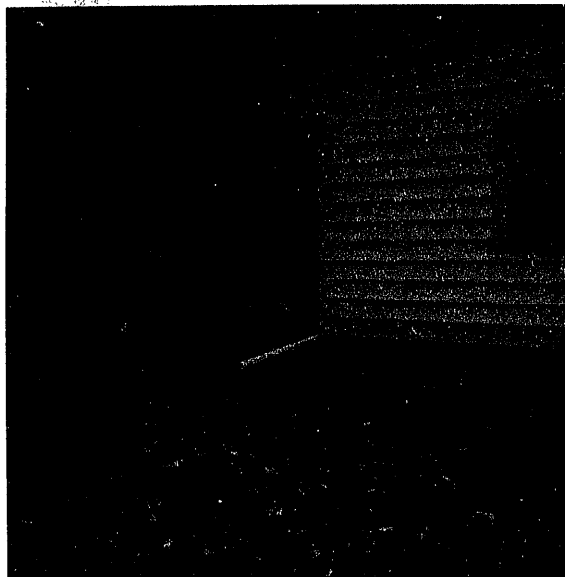
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By V. Eugene J. Bozsek

CS

Tolson Clerk

Title



APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Rose Jeffrey & Terri
6 Riverview Avenue
K4

565-8418

FILE # 92-39

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

APPLICATION FOR VARIANCE FEE \$ 50.00 #Pd. 873

* * * * *

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 250.00 10/30/92 872

Pd.

DISBURSEMENTS -

STENOGRAPHER CHARGES:-

PRELIMINARY MEETING - PER PAGE 10/26/92 - 5 pages . \$ 22.50
2ND PRELIM. MEETING - PER PAGE 10/23/92 - 5 pages . \$ 22.50
3RD PRELIM. MEETING - PER PAGE \$ _____
PUBLIC HEARING - PER PAGE \$ _____
TOTAL \$ 45.00

ATTORNEY'S FEES:

PRELIM. MEETING- 3 HRS. \$ _____
2ND PRELIM. P.H. 1 HRS. \$ _____
3RD PRELIM. _____ HRS. \$ _____
FORMAL DECISION 7 HRS. \$ _____
TOTAL HRS. 11 @ \$ 150.00 PER HR. \$ _____
TOTAL \$ 165.00

MISC. CHARGES:

Postage 66 @ .29 ea. \$ 19.14
TOTAL \$ 229.14

LESS ESCROW DEPOSIT . . . \$ 250.00
(ADDL. CHARGES DUE) . . . \$ _____
REFUND TO APPLICANT DUE . \$ 20.86 refund.

NEW WINDSOR ZONING BOARD OF APPEALS

-----X

In the Matter of the Application of

JEFFREY ROSE

DECISION GRANTING
AREA VARIANCE

#92-39.

-----X

WHEREAS, JEFFREY ROSE, 6 Riverview Avenue, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 22 ft. 9 in. rear yard variance for an existing addition to the above residential dwelling at the above address located in an R-4 zone; and

WHEREAS, a public hearing was held on the 23rd day of November, 1992 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, applicant appeared in behalf of himself and spoke in support of the application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that applicant is seeking permission to vary the provisions of the bulk regulations relating to rear yard setback in order to maintain an existing addition to his residential dwelling in an R-4 zone.

3. The evidence presented by the applicant substantiated the fact that a variance for less than the allowable rear yard, would be required in order to allow the existing addition to his residential dwelling which otherwise would conform to the bulk regulations in the R-4 zone.

4. The evidence presented by the applicant indicated that at the time of construction of the addition about ten years ago, he relied upon his contractor to obtain the necessary building permits and later on found out that the contractor never applied for a building permit to construct the addition to his residential dwelling. The contractor is now deceased.

5. The applicant is now applying for a rear yard variance of 22 ft. 9 in. in order to obtain a building permit and certificate of occupancy for his residential dwelling, to permit

the existing addition to remain.

6. The evidence presented by applicant substantiated the fact that if applicant had constructed the addition in another location on the parcel, substantial variances would have had to be sought and/or the location of the addition would not be functional.

7. The applicant stated that the addition was located in the rear yard because that was where it was most feasible to place it. The addition could not be located in the side yard without seeking a variance at least as large or larger than the variance sought on this application. The addition could have been placed in the front yard but this would not permit a functional layout of the house and would interfere with the driveway.

8. The applicant further stated that the addition was placed in the rear because it gave more room, allowed better traffic flow in the house from the kitchen to the addition and to the deck, and because it squared off the looks of the house. In addition, because of the location of the hill and the school property, the impact on the neighborhood of the addition in the rear was minimal.

9. The evidence presented by applicant substantiated the fact that this variance, if granted, would not have a negative impact on the physical or environmental conditions in the neighborhood since it will fit in well with the other residential dwellings adjacent thereto.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law in this matter:

1. The requested variance will not produce an undersirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to applicant which can produce the benefit sought other than the variance procedure.

3. The requested variance is ~~not~~ substantial in relation to the bulk regulations for front yard. However, it is the conclusion of this Board that the granting of the requested substantial variance is warranted here because the unusual shape of the applicant's flag lot makes this location for the addition the most suitable location with the least adverse impacts on the neighborhood and the applicant.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the applicant faces in conforming to the bulk regulations is a self-created one due to the failure of his contractor to apply for a building permit but he is now in the

process of correcting this situation by the appropriate application to this Board.

6. It is the finding of this Board that the benefit to the applicant, if the requested area variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant.

7. It is the further finding of this Board that the requested area variance is the minimum variance necessary and adequate to allow the applicant relief from the requirements of the bulk regulations and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

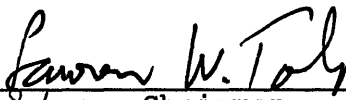
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 22 ft. 9 in. rear yard variance in order to allow an existing addition at the above location in an R-4 zone as sought by applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: January 11, 1993.



Interim Chairman

(ZBA DISK#8-122192.JR)

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 2 day of November, nineteen hundred and eighty-one.

BETWEEN EDWARD DANIELS AND ANN DANIELS, residing at River View Avenue
New Windsor, New York

party of the first part, and Husband And w.f.e JEFFREY ROSE AND TERRI ROSE, residing at Forest Park,
R. D. #3, Wallkill, New York

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

Ten (\$10.00)

dollars,

lawful money of the United States, and other valuable considerations paid

by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or
successors and assigns of the party of the second part forever.

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,
lying and being in the (See annexed rider)

R I D E R

ALL that certain lot, piece or parcel of land together with the buildings and improvements erected thereon, situate, lying and being in the Town of New Windsor, County of Orange and State of New York and bounded and described as follows:

BEGINNING at a point in the northwesterly side of Riverview Street (or Avenue) at the northeast corner of lands now or formerly owned by Ernest Bartholomew and running thence along the northwesterly side of said street North 35 degrees 2' East for 129.25 feet; thence at approximately a right angle to the preceding course approximately north 54 degrees 58' west 309.7 feet more or less to a point in the easterly line of lands formerly of H. Havemeyer, said point being distant 129.25 feet on a course North 36 degrees 54' East from the northwest corner of lands formerly of Laura P. Thorne and now or formerly of one O'Neill; from said point thence South 36 degrees 54' west 129.25 feet to the aforementioned northwest corner of lands formerly of Laura P. Thorne; thence South 53 degrees 46' East 150 feet to a point; thence South 54 degrees 58' East 159 feet 7 inches, more or less, to the northwesterly side of River Street, aforesaid, at the point or place of beginning.

BEING the same premises described in deed dated November 13, 1947, made by Alta Alexander to Michael Pennacchio and Lena Pennacchio and recorded in Orange County Clerk's Office November 24, 1947, in Liber 1067 of Deeds at page 382.

ALSO, ALL that certain piece or strip of land situate, lying and being in the Town of New Windsor, County of Orange and State of New York, being more particularly described as follows:

BEGINNING at a point in the westerly line of Riverview Street at the southeasterly corner of the lands heretofore described

measured and described as follows:

BEGINNING at a point in the northwesterly side of Riverview Street (or Avenue) at the northeast corner of lands now or formerly owned by Ernest Bartholomew and running thence along the northwesterly side of said street North 35 degrees 2' East for 129.25 feet; thence at approximately a right angle to the preceding course approximately north 54 degrees 58' west 309.7 feet more or less to a point in the easterly line of lands formerly of H. Havemeyer, said point being distant 129.25 feet on a course North 36 degrees 54' East from the northwest corner of lands formerly of Laura P. Thorne and now or formerly of one O'Neill; from said point thence South 36 degrees 54' west 129.25 feet to the aforementioned northwest corner of lands formerly of Laura P. Thorne; thence South 53 degrees 46' East 150 feet to a point; thence South 54 degrees 58' East 159 feet 7 inches, more or less, to the northwesterly side of River Street, aforesaid, at the point or place of beginning.

BEING the same premises described in deed dated November 13, 1947, made by Alta Alexander to Michael Pennacchio and Lena Pennacchio and recorded in Orange County Clerk's Office November 24, 1947, in Liber 1067 of Deeds at page 382.

ALSO, ALL that certain piece or strip of land situate, lying and being in the Town of New Windsor, County of Orange and State of New York, being more particularly described as follows:

BEGINNING at a point in the westerly line of Riverview Street at the southeasterly corner of the lands heretofore conveyed by Alvin M. Thurston and Rose Thurston to Alvin M. Thurston and Roseanna J. Thurston by deed dated June 24, 1955 and recorded the same day in the Orange County Clerk's Office in Liber 1351 of Deeds at page 263, said point being 129.25 feet measured in a northeasterly direction along the northwesterly line of River View Street from

the northeast corner of lands now or formerly owned by Ernest Bartholomew and runs thence from said point of beginning along the southerly line of said Thurston's lands North $54^{\circ} 13'$ West 165.28 feet to a point; thence into the lands of said Thurston South $66^{\circ} 45'$ East 53.23 feet to a point, said point being in range with a line 3 feet northerly from the north base of the Pennachio bungalow; thence South $48^{\circ} 24'$ East 113.9 feet to the point or place of beginning. (Said courses being in accordance with survey in November, 1961.) Containing 954 square feet of land be the same more or less.

BEING the same premises conveyed by Alvin M. Thurston and Roseanna J. Thurston, husband and wife, to Lena Pennachio, by deed dated the 19th day of September, 1962, and recorded in the Orange County Clerk's Office, on the 20th day of September, 1962, in Liber 1625 of Deeds at page 562.

EXCEPTING THEREFROM, property conveyed by Michael Pennacchio and Lena Pennacchio to Richard Burger and Sarah Burger, described as follows:

ALL that certain lot, piece or parcel of land situate in the Town of New Windsor, County of Orange and State of New York, and more particularly bounded and described as follows:

BEGINNING at a point in the westerly line of Riverview Street, at the northeasterly corner of lands of Bartholomew, the said point being a distance of 198.0 feet measured on a course north 35 degrees 2 minutes east along said westerly line of Riverview Street from the northerly line of Silver Spring Road and running thence from said point of beginning along the westerly line of Riverview Street north 35 degrees 2 minutes east 52.0 feet to a point; thence into the lands of Pennacchio north 54 degrees 22 minutes west 168.84 feet to a point; thence south 38 degrees 48 minutes west, passing about 2 feet easterly from the easterly side of a garage on other lands of said Pennacchio a distance of 53.5

range with a line 3 feet northerly from the north base of the Pennachio bungalow; thence South $48^{\circ} 24'$ East 113.9 feet to the point or place of beginning. (Said courses being in accordance with survey in November, 1961.) Containing 954 square feet of land be the same more or less.

BEING the same premises conveyed by Alvin M. Thurston and Roseanna J. Thurston, husband and wife, to Lena Pennachio, by deed dated the 19th day of September, 1962, and recorded in the Orange County Clerk's Office, on the 20th day of September, 1962, in Liber 1625 of Deeds at page 562.

EXCEPTING THEREFROM, property conveyed by Michael Pennacchio and Lena Pennacchio to Richard Burger and Sarah Burger, described as follows:

ALL that certain lot, piece or parcel of land situate in the Town of New Windsor, County of Orange and State of New York, and more particularly bounded and described as follows:

BEGINNING at a point in the westerly line of Riverview Street, at the northeasterly corner of lands of Bartholomew, the said point being a distance of 198.0 feet measured on a course north $35^{\circ} 2'$ east along said westerly line of Riverview Street from the northerly line of Silver Spring Road and running thence from said point of beginning along the westerly line of Riverview Street north $35^{\circ} 2'$ east 52.0 feet to a point; thence into the lands of Pennacchio north $54^{\circ} 22'$ west 168.84 feet to a point; thence south $38^{\circ} 48'$ west, passing about 2 feet easterly from the easterly side of a garage on other lands of said Pennacchio, a distance of 53.5 feet to a point in the northerly line of lands of said Bartholomew; thence along said line south $53^{\circ} 46'$ east 13.0 feet to a point of bend in said line; thence continuing south 54°

LIBER 2208 pg 1021

degrees 58 minutes east 158.8 feet to the westerly line of River-view Street at the point or place of beginning.

ALSO, EXCEPTING ALL that certain lot, piece or parcel of land, together with the dwelling thereon erected, situate, lying and being in the Town of New Windsor, County of Orange and State of New York, being more particularly described as follows:

BEGINNING at a point in the northwesterly line of Riverview Street at the southeasterly corner of a lot of land now or formerly of Alvin M. Thurston and Roseanna Thurston, which point being 129.25 feet measured along the northwesterly line of said street, northeasterly of the southeasterly corner of a lot of land now or formerly of Ernest Bartholomew; thence, along the northwesterly line of said street South $35^{\circ} 02'$ East 55 feet to a point which is 22.25 feet northeasterly from the northeast corner of lands of Burger; thence through the lands of the grantor, North, $54^{\circ} 13'$ West 150 feet to a point, and thence North $35^{\circ} 02'$ East 59+ feet to point in the southwesterly line or side of said Thurston lot; thence along said Thurston lot South $66^{\circ} 45'$ East $38^{\frac{1}{2}}$ feet to a point in range with a line 3 feet northerly from the north base of the dwelling house and, from said point, South $48^{\circ} 24'$ East 113.9 feet to the point or place of beginning.

The said Lena Pennacchio being seized of the whole of the above described parcels by virtue of the death of her husband Michael Pennacchio, on the 10th day of October, 1960.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

RECORDED IN THE COUNTY OF

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Adrian J. Daniels

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

MOVED INFORMATION

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires. IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Edward Daniels
Samuel Daniels

LIBER 2208 PG 1023

112208 101024

STATE OF NEW YORK, COUNTY OF
On the 2 day of November 19 81, before me
personally came
Edward Daniels

to me known to be the individual described in and who
executed the foregoing instrument, and acknowledged that
he executed the same.

Wah

WARREN GREIER
Notary Public, State of New York
My Commission Expires March 30, 1982

STATE OF NEW YORK, COUNTY OF
On the 2 day of November 19 81, before me
personally came
Ann Daniels

to me known to be the individual described in and who
executed the foregoing instrument, and acknowledged that
she executed the same.

Wah

WARREN GREIER
Notary Public, State of New York
My Commission Expires March 30, 1982

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me
personally came
to me known, who, being by me duly sworn, did depose and
say that he resides at No.

that he is the
of

, the corporation described
in and which executed the foregoing instrument; that he
knows the seal of said corporation; that the seal affixed
to said instrument is such corporate seal; that it was so
affixed by order of the board of directors of said corpora-
tion, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me
personally came
the subscribing witness to the foregoing instrument, with
whom I am personally acquainted, who, being by me duly
sworn, did depose and say that he resides at No.

that he knows

to be the individual
described in and who executed the foregoing instrument;
that he, said subscribing witness, was present and saw
execute the same; and that he, said witness,
at the same time subscribed his name as witness thereto.

CHICAGO TITLE INSURANCE CO.

Bargain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS CT-#22.-

TITLE NO. 81-11-35363-Q-#20,-

EDWARD AND ANN DANIELS

TO

JEFFREY AND TERRY ROSE

SECTION

BLOCK

LOT

COUNTY OR TOWN County of Orange

Recorded at Request of
CHICAGO TITLE INSURANCE COMPANY

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS

Distributed by

CHICAGO TITLE
INSURANCE COMPANY

Return by Mail to

WARREN GREIER ESQ
532 BLOOMING GROVE TRAIL
New Windsor, N.Y.
Zip No. 12550

OFFICE

State of New York
Orange County Clerk's Office } ss.

I, MARION S. MURPHY, Clerk of the County of Orange, and Clerk of the
Supreme Court of the State of New York, in and for said County (said Court being a
Court of Record) do hereby certify that I have compared the annexed with the
original DEED.....

Wak
WILLIAM GOLHER
Notary Public, New York
My Commission Expires March 30, 1982

Wak
WILLIAM GOLHER
Notary Public, New York
My Commission Expires March 30, 1982

STATE OF NEW YORK, COUNTY OF

ss: STATE OF NEW YORK, COUNTY OF

ss:

On the day of 19 , before me personally came to me known, who, being by me duly sworn, did depose and say that he resides at No. ;

On the day of 19 , before me personally came the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No. ;

that he is the of , the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

that he knows to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

CHICAGO TITLE INSURANCE CO.

Bargain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS

CT-#22.-

TITLE NO. 81-11-35363-Q-#20.-

EDWARD AND ANN DANIELS

TO

JEFFREY AND TERRY ROSE

SECTION

BLOCK

LOT

COUNTY OR TOWN County of Orange

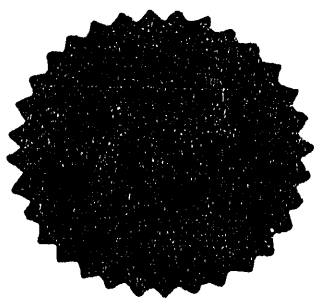
Recorded at Request of
CHICAGO TITLE INSURANCE COMPANY

Return by Mail to

WARKLEY GRETHER ESQ
532 BLOOMING GROVE TRILE
New Windsor, N.Y. Zip No. 12550

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS
Distributed by
CHICAGO TITLE
INSURANCE COMPANY

State of New York
Orange County Clerk's Office } ss.



I, MARION S. MURPHY, Clerk of the County of Orange, and Clerk of the Supreme Court of the State of New York, in and for said County (said Court being a Court of Record) do hereby certify that I have compared the annexed with the original DEED.....

..... Liber 2208, ar. page 1019.....

RECORDED in my office Nov. 5, 1981
and that the same is a true transcript thereof and of the whole of such original.

In Testimony Whereof, I have hereunto subscribed my name, and affixed The Seal of the said Courts and County, at Goshen, this.... 5th.....

day of..... March..... 19 82

Marion S. Murphy Clerk.

SEE THIS SPACE FOR USE OF RECORDING OFFICE

Date 12/1/92 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth 389 Moores Hill Rd DR.
New Windsor, NY 12553

DATE			CLAIMED	ALLOWED
11/23/92		Zoning Board Meeting	75 00	
		Misc - 1		
		Quinn - 2 - \$9.00		
		Bonura - 3 \$13.50		
		Walsh - 9 \$40.50		
		Bernhardt - 12 - \$54.00		
		Marin - 5 - \$22.50		
		Rose - 5 \$22.50		
		Jones - 6 \$27.00	193 50	
		43	268 50	
		APPROVED:		
		Chairman		

PUBLIC HEARING:

ROSE, JEFFREY

Mr. Jeffrey Rose appeared before the board for this proposal.

MR. FENWICK: Request for 22 ft. 9 in. rear yard variance for existing addition located at 6 Riverview Avenue in R-4 zone. I'd like the record to show there's no one in the public for this. We're going to go back to why this is for the record why you were cited and why you are here.

MR. ROSE: I was cited because I did not have the C.O. or the building permits for the addition we had put up with a deck. The contractor I hired to take care of all my paperwork never did that. Unfortunately, he's dead so I can't go back to him to find out why he didn't do it. I had taken those steps the Town required to make the addition legal.

MR. LUCIA: Can you tell us why you didn't locate it on some other area of your property than the side yard?

MR. ROSE: If I would have gone to either one of the sides, I would still be in here for a variance.

MR. LUCIA: Just as large or larger variance would be required on either side yard for an addition of this size?

MR. ROSE: Yes.

MR. LUCIA: If this board grants you a variance, do you feel an undesirable change will be produced in the character of the neighborhood or detriment to nearby properties would be created?

MR. ROSE: No.

MR. LUCIA: Is the benefit you seek here putting this deck in in the rear yard achievable by some other method other than a variance?

MR. ROSE: No, not really. I wouldn't want to put the deck in the front that is where the driveway is.

MR. LUCIA: Physically, there'd be no room for it?

MR. ROSE: No, well, there's plenty of room but not on the driveway.

MR. LUCIA: Was there some reason concerning the layout of the interior of the house why you located the deck where you did for access, doorways, windows?

MR. ROSE: Well, the deck I wanted on the side of the house because it was attached to the addition so when you walk out the kitchen, you walk out into the addition and then on to the deck. The addition was put in in 1981, the deck was put in in 1991.

MR. LUCIA: This variance applies to both?

MR. ROSE: It applies for the addition.

MR. LUCIA: The deck?

MR. ROSE: Deck was not a problem.

MR. LUCIA: Is the requested variance substantial that is in relation to the standard you're looking for, 22 foot 9 inch rear yard variance you believe that is a substantial variance?

MR. ROSE: Do I believe it is, yes I do.

MR. LUCIA: But the reason for applying for a variance that large this is the only place where you feel you can put the addition?

MR. ROSE: Yes, sir.

MR. LUCIA: And would this variance if it is granted have an adverse effect or impact on physical or environmental conditions in the neighborhood or district?

MR. ROSE: No.

MR. LUCIA: Did you create this difficulty yourself?

MR. ROSE: When I bought the house, it was a 2 bedroom and I have two children so I knew I had plenty of property so we did it.

MR. LUCIA: But the contractor you said didn't apply for a building permit?

MR. ROSE: What happened was we had hired a contractor, we went on vacation for three weeks in Florida and part of my fee was the addition, all the legal papers at the Town. And that is what I paid for and we came back, everything was done and up until last year, when we went or this year we went to refinance, is when I found out that he had done nothing.

MR. LUCIA: You're now bringing this application to try and set it straight?

MR. ROSE: Right, I've taken all the legal steps to have it done.

MR. LUCIA: Do we have a copy of your deed and title policy?

MR. ROSE: The electrical inspection I also have in there.

MR. FENWICK: That would have more bearing on getting your building permit.

MR. ROSE: Everything I needed I got.

MR. FENWICK: In addition to a variance you needed that.

MR. LUCIA: Thank you for providing copy of your deed and title policy. It appears that the property is subject to certain restrictions, covenants, easements and grants that effect the title to the property. Is there anything contained within those to your knowledge which would prevent you from maintaining the addition which you're now seeking a variance on?

MR. ROSE: No.

MR. LUCIA: Thank you.

MR. FENWICK: Any other questions from the members of the board? At this time, I'll open it up to the public. Is there anyone here that has any comments on this piece of property on this variance? If not, public hearing is now closed and open it back up to the members of the board.

MR. LUCIA: Just one housekeeping item. We did make County referral on this on October 30th but you'll find in your packet of papers tonight we received for the first time an agreement dated October 22nd of '92 between the County and the Town which indicates that referrals of routine area variances of this nature are not required so although the 30 days hasn't expired, it's now a moot issue.

MR. TORLEY: Motion to grant the variance.

MR. TANNER: Second it.

ROLL CALL

MR. TORLEY	AYE
MR. NUGENT	AYE
MR. TANNER	AYE
MR. KONKOL	AYE
MR. FENWICK	AYE

MR. ROSE: What's my next step?

MR. LUCIA: Tonight's vote will be incorporated in a set of minutes so that is your record of it. Once we get that, I'll do the formal decision and the board will adopt that which is the written evidence that you have a variance on your property. And that may take place in the next meeting or the meeting after that and depending on when the minutes are available.

November 23, 1992

37

MR. ROSE: I don't have to come back?

MR. LUCIA: No, you'll get a copy of the decision in the mail.

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

9

TO FRANCES BETH 389 Moores Hill Rd DR.
New Windsor NY 12553

DATE			CLAIMED	ALLOWED
9/26/92	Zoning Board Meeting		75 00	
	Misc - 4			
	Denhoff - 1			
	Carrels - 5			
	Windsor Enterprises - 2			
	DePalma - 5			
	Belins - 1			
	Bittles - 1			
	Freeman - 9			
	Post - 5	\$ 22.50		
	Jones - 12		198 00	
			<u>273 00</u>	

STATE OF NEW YORK,
TOWN OF NEW WINDSOR

ss.

I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here

Francis D. [Signature]

No.

Town of New Windsor

Nature

Amount Claimed \$

Amount Allowed \$

Filed

I hereby certify that at a meeting of

said Town Board held at the office of the

Town Clerk on the day

of, 19.....

the within claim was audited and allowed

for the sum of

\$

Clerk

ROSE, JEFF

MR. FENWICK: Request for 22 ft. 9 in. rear yard variance for existing addition located at 6 Riverview Avenue in R-4 zone.

Mr. Jeff Rose appeared before the board representing this proposal.

MR. FENWICK: Tell us why you were cited and why you are here.

MR. ROSE: We had put up an addition ten years ago. When we did the addition, we didn't get a permit. so when I went to refinance at a lower rate, that's when this came up. So, I went and got my two building permits I needed and I had the work done that was requested by the engineer and we had the electrical inspection done and the advantage of 22 feet is what I need which I brought pictures to show from the addition to the hill, the school property that is where the addition ended and here's the hill behind, that is the New Windsor school's property. This shows the hill.

MR. LUCIA: Do you know how long the house has been there.

MR. ROSE: We bought it in '81 and according to my deed it was 1950.

MR. LUCIA: Do you know if these lot dimensions have existed for that length of time?

MR. ROSE: To my knowledge, yeah except for what we put up.

MR. LUCIA: Concrete block garage in the front there. Is that about the same age?

MR. ROSE: Yeah, that was there when we bought the home.

MR. LUCIA: Reason I ask you is that you would not meet current zoning for frontage setback and garage and number of other things but if it all has been there

since 1950, you're grandfathered under since that pre-exists zoning. This would have not met current street frontage and accessory building setbacks under your current zoning.

MR. ROSE: It's a large driveway and I have property on both sides and we had the hill and I just put the addition up, I really didn't think I needed a permit but I found out that is not true so I went through the whole process as if I was starting.

MR. TORLEY: This is New York State, you need a permit to sneeze.

MR. ROSE: I heard if I put up a dog house, I need a permit, I know that now I did it wrong but I took all the precautions, everything that was supposed to get done except this variance. As far as neighbors. I have been there ten years and all my neighbors that are there now are new and no one has said anything about the addition.

MR. NUGENT: Yours is the one at the end?

MR. ROSE: It's a flag lot. I own the driveway. These people here have the right-of-way and I own this home and we went out the back I knew I had the hill and I didn't think it was a problem but I found out it was a problem. All my records were lost in my attorney's fire so this is all new, title insurance is new.

MR. NUGENT: Those houses have been there a long time.

MR. ROSE: A long time.

MR. FENWICK: That is the most appropriate place on the house to put the deck. Would there be a better place, this is a question that is going to have to be answered at the formal hearing at the public hearing. That is the reason.

MR. ROSE: Deck wasn't attached to the house. I didn't think I needed a permit but I found that was wrong too, the deck was you know.

MR. FENWICK: Then I'll ask the question again but using the word addition. Was there a better place, is there a better place the addition could go? Is there a reason why you put it where it is in relationship to the house?

MR. ROSE: Well, on the side I knew I'd be going like there's a fence that runs along my property and I knew I would be on his property right next to it so I went out the back because I had, you know, half the hill and that is the reason why I went in the back. Cannot go in the front so I have to go in the back. So, what I did when the addition was built to make the house level I just put a screened in patio so the house would look square.

MR. LUCIA: You had insufficient room on the side to put on an addition in the side without getting a variance.

MR. ROSE: I think so, it looked to me.

MR. TANNER: Shows 40 feet on here, Dan, so you would have.

MR. FENWICK: Any other questions by the members of the board? Motion to set him up for a public hearing?

MR. NUGENT: I'll make that motion.

MR. TANNER: I'll second it.

ROLL CALL

MR. TANNER	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE
MR. FENWICK	AYE

MR. FENWICK: I'm going to turn it over to the attorney, he will explain it to you.

MR. LUCIA: When you come back for your public hearing, you're applying for a rear yard variance and that is an area variance, the standard that the Zoning Board has

in determining whether or not you're entitled to that is to consider the benefit to you if the variance is granted as weighed against the detriment to the health, safety and welfare of the community by allowing this variance from the Zoning Law requirements of the Town. There are five factors that you have to speak to before the board when you come in and make that application. First, whether an undesirable change in the character of the neighborhood or detriment to nearby properties will be created by granting this area variance. Second, whether the benefits sought but by you can be achieved by some other method other than a variance procedure. You have already indicated that you put it in the side yard, you still need a variance there so it is kind of six of one, half dozen of the other. Three, whether the requested variance is substantial. In this case, it is, it's more than half of the lot requirement but given the somewhat unique shape of your lot layout that it was the only place you could put it, you would have needed a side yard also. Four, whether proposed variance will have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district. Five, whether the difficulty was self-created. I guess it was self-created because you didn't apply for a permit before you did it but you're at this point doing what you can to remedy the situation. And you probably wouldn't have had a choice to put it someplace else. I would lay out for the board at that time why it is you needed the addition, if you are enlarging the house, making the house worth whatever you paid for it, taxes, so on. When you come back, we'll need a copy of the deed, copy of the title policy and photographs. Are you satisfied with what we have? Do you want anything else?

MR. TANNER: They were good photographs.

MR. LUCIA: Just copy of your deed and title policy, also County referral. That is not for you. That is for the board's bookkeeping requirements. You're within 500 feet of Route 9W, as you look at the tax map. Pat will give you an application that you should fill out and submit back to here. There's a cover sheet that gives you instructions. If you have any problems, give her a call. When you send that back to

October 26, 1992

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the Town, also two checks, both payable to the Town, one for \$50 application fee. Second for \$250 which is deposit against Town consultant review fees, disbursements the board has in doing your application, okay?

MR. ROSE: Thank you.

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

Prelim.
Oct. 26th
7:30p.m.

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION 92-39

DATE: OCTOBER 14, 1992

APPLICANT: JEFF ROSE *4 Terri*
6 RIVERVIEW AVENUE
NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: OCTOBER 9, 1992

FOR (BUILDING PERMIT): NOT ISSUED

LOCATED AT: 6 RIVERVIEW AVENUE

ZONE: R-4

DESCRIPTION OF EXISTING SITE: SECTION 20 BLOCK 1 LOT 27
ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS: ~

1. INSUFFICIENT REAR YARD SET BACK.

[Signature]
BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: R-4	USE: G-10	
MIN. LOT AREA		
MIN. LOT WIDTH		
REQ'D FRONT YD		
REQ'D SIDE YD		
REQ'D TOTAL SIDE YD		
REQ'D REAR YD.	40FT.	17FT-3IN. 22FT-9IN.
REQ'D FRONTAGE		
MAX. BLDG. HT.		

APPLICANT: JEFF ROSE *971000*
6 RIVERVIEW AVENUE
NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: OCTOBER 9, 1992

FOR (BUILDING PERMIT): NOT ISSUED

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[Signature]
BUILDING INSPECTOR

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ZONE: R-4	USE: G-10	
MIN. LOT AREA		
MIN. LOT WIDTH		
REQ'D FRONT YD		
REQ'D SIDE YD		
REQ'D TOTAL SIDE YD		
REQ'D REAR YD.	40FT.	17FT-3IN. 22FT-9IN.
REQ'D FRONTAGE		
MAX. BLDG. HT.		
FLOOR AREA RATIO		
MIN. LIVABLE AREA		
DEV. COVERAGE		

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.

22 x 159

Purchase: 11/2/81

IMPORTANT
REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS. IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
7. DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
8. \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
9. PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
10. THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
11. SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
12. SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
13. ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.
14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

Name of Owner of Premises Jeffrey & Terry Rose
Address C. RIVER VIEW AVE, 110 Phone 565-8418
Name of Architect _____
Address _____ Phone _____
Name of Contractor Cichoski Construction
Address 43 Rockwood Drive, Newburgh Phone 561-2776
State whether applicant is owner, lessee, agent, architect, engineer or builder "OWNER"
If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

- C. RIVER VIEW AVE
1. On what street is property located? On the _____ side of _____
(N.S.E. or W.) _____
and _____ feet from the intersection of _____
 2. Zone or use district in which premises are situated _____ Is property a flood zone? Yes _____ No ✓

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
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14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

Name of Owner of Premises Jeffrey + Terry Rose
 Address 6 RIVER VIEW AVE, NEWBURGH, NY Phone 565-8418
 Name of Architect _____
 Address _____ Phone _____
 Name of Contractor Cichoski Construction
 Address 43 ROCKWOOD DRIVE, NEWBURGH, NY Phone 561-2776
 State whether applicant is owner, lessee, agent, architect, engineer or builder "OWNER"
 If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

- 6 RIVER VIEW AVE
1. On what street is property located? On the _____ side of _____
 (N.S.E. or W.)
 and _____ feet from the intersection of _____
 2. Zone or use district in which premises are situated _____ Is property a flood zone? Yes _____ No ☒
 3. Tax Map description of property: Section 20 Block 1 Lot 27
 4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
 a. Existing use and occupancy _____ b. Intended use and occupancy _____
 5. Nature of work (check which applicable): New Building _____ Addition ☒ Alteration _____ Repair _____
 Removal _____ Demolition _____ Other EXISTING ADDITION
 6. Size of lot: Front Rear _____ Depth _____ Front Yard _____ Rear Yard _____ Side Yard _____
 Is this a corner lot? NO
 7. Dimensions of entire new construction: Front 35' Rear 35' Depth 12' Height 12' 2" Number of stories 1
 8. If dwelling, number of dwelling units _____ Number of dwelling units on each floor _____
 Number of bedrooms _____ Baths _____ Toilets _____
 Heating Plant: Gas _____ Oil _____ Electric/Hot Air _____ Hot Water _____
 If Garage, number of cars _____
 9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____
 10. Estimated cost 1990.00-ACTUAL Fee _____
 (to be paid on this application)
 11. School District Newburgh

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

See Attached

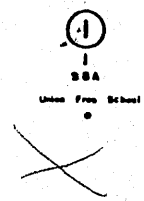
SECTION 17

SECTION 10

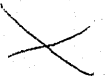
SECTION 19

STATE HWY NO 94 QUASSAICK AVENUE

BROAD STREET



Union Free School



SILVER SPRING ROAD

RIVERVIEW AVENUE

QUEEN STREET

US HWY NO 6

SILVER SPRING ROAD

ROAD

AVENUE (FORMERLY WATER ST.)

CULLEN AVENUE

COFFEY AVENUE

RIVER

FERNANDEZ DRIVE

FERNANDEZ AVE

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Leslie Holmbeck
County Executive

Rec'd.
ZBA 11/30/92
(PAB)

Department of Planning
& Development

124 Main Street
Goshen, New York 10924
(914) 294-5151

Peter Garrison, Commissioner
Richard S. DeTurk, Deputy Commissioner

ORANGE COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT
239 L, M or N Report

This proposed action is being reviewed as an aid in coordinating such action between and among governmental agencies by bringing pertinent inter-community and Countywide considerations to the attention of the municipal agency having jurisdiction.

Referred by Town of New Windsor D P & D Reference No. NWT 37 92 M

County I.D. No. 20 / 1 / 27

Applicant Jeffrey and Terri Rose

Proposed Action: Area Variance - Rear yard

State, County, Inter-Municipal Basis for 239 Review Within 500' of

Comments: Site is not within 500' of a Federal, State or County Road. Nevertheless, there are still no
Inter-Community or Countywide concerns to bring to your attention.

Related Reviews and Permits _____

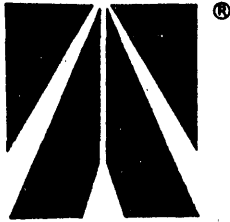
County Action: Local Determination XX Disapproved _____ Approved _____

Approved subject to the following modifications and/or conditions: _____

11/16/92

Date

Peter Garrison
Commissioner



Hardenburgh Abstract Company of Orange County, Inc.

12 SCOTCHTOWN AVENUE, GOSHEN, N.Y. 10924
(914) 294-6909 (914) 343-6678 FAX: (914) 294-3530

Policy Writing Agent for

American Title Insurance Company

NWD-1055

PRELIMINARY CERTIFICATE

TITLE NO RD-33-22789

Application of Jeffrey Rose owners \$ _____
(Name of attorney or firm applying for insurance) for lessee's \$ _____
mortgagee's \$ 70,000.00

policy insuring Residential Mortgage Banking, Inc., its successors and/or
(Name of party to be insured) assigns

AMERICAN TITLE INSURANCE COMPANY certifies that the title to the premises described in Schedule A, subject to the encumbrances and defects noted in Schedule B, is insurable at this date on a valid conveyance, lease or mortgage by Jeffrey Rose and Terri Rose
who acquired title by deed from Edward Daniels and Ann Daniels
dated 11/2/81 and recorded _____ in Liber 2208 at page 1019

SCHEDULE A

All that certain tract of land lying and being in the _____ Town _____ of New Windsor,
County of _____ Orange _____, State of New York, being more particularly described as follows:

See Schedule "A" attached.

SCHEDULE B

1. Taxes, Water Rents, Assessments and other Municipal Charges

See Tax Search attached.

Proof must be furnished that premises do not lie in an incorporated village or that all village taxes have been paid. Otherwise the policy will except "any and all village taxes, assessments and water rates and sales thereof."

2. Mortgages and Assignments thereof

Policy Writing Agent for

American Title Insurance Company

NWD-1055

PRELIMINARY CERTIFICATE**TITLE NO. RD-33-22789**

Application of Jeffrey Rose owners \$ _____
(Name of attorney or firm applying for insurance) for lessee's \$ _____
mortgagee's \$ 70,000.00

policy insuring Residential Mortgage Banking, Inc., its successors and/or
(Name of party to be insured) assigns

AMERICAN TITLE INSURANCE COMPANY certifies that the title to the premises described in Schedule A, subject to the encumbrances and defects noted in Schedule B, is insurable at this date on a valid conveyance, lease or mortgage by _____

Jeffrey Rose and Terri Rose
who acquired title by deed from Edward Daniels and Ann Daniels
dated 11/2/81 and recorded _____ in Liber 2208 at page 1019

SCHEDULE A

All that certain tract of land lying and being in the _____ Town _____ of New Windsor,
County of Orange, State of New York, being more particularly described as follows:

See Schedule "A" attached.

SCHEDULE B**1. Taxes, Water Rents, Assessments and other Municipal Charges**

See Tax Search attached.

Proof must be furnished that premises do not lie in an incorporated village or that all village taxes have been paid. Otherwise the policy will except "any and all village taxes, assessments and water rates and sales thereof."

2. Mortgages and Assignments thereof

Mortgagor: Jeffrey Rose
Terri Rose

Mortgagee: Suburban Equity Corp.

Amount: \$ 40,000.00 Dated: 4/30/91 Recorded: 5/21/91 Liber 3991 Page 279
as assigned to Marine Midland Bank, N.A. by assignment dated 5/8/91 and
recorded 7/30/91 in Liber 4046 page 7.

SCHEDULE B (continued)

3. Zoning Restrictions or Ordinances Imposed by any Governmental Body.
4. Restrictive Covenants, Easements, Agreements, and Consents, Including Set-Back Established by Filed or Recorded Map. Easement and Right of Way in Liber 1362 Cp. 346. Excepting premises as contained in Schedule "A" as recited in Liber 2208 Cp. 1019.
5. Survey to come.
6. Judgments, Bankruptcies, Corporate Franchise Taxes and other State or Federal Liens. (set forth under section 7, if any.)
7. Other Encumbrances or Defects:

How Disposed of

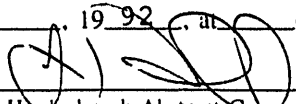
- A. The Company does not insure that the buildings or other erections upon the premises herein, or their use, comply with Federal, State and Municipal Laws, regulations and ordinances.
- B. No title to personal property will be insured nor has any search for chattel mortgages been made.
- C. No title is insured to any land lying in any street, road or avenue crossing or abutting the herein described premises; but, unless hereinafter excepted, the rights of access to and egress from said premises is insured.
- D. Deeds and mortgages must contain the covenant required by the Lien Law as amended by laws of 1942 and such covenant must be absolute and not conditional. The covenant is not required in deeds from referees or other persons appointed by a court for the sole purpose of selling property.
- E. The identity of parties at the closing of this title should be established to the satisfaction of the closing attorney acting for this Company.
- F. When the transaction is an assignment of a mortgage or other lien, an estoppel certificate executed by the owner of the fee and by the holders of all subsequent encumbrances must be obtained. When the transaction is a mortgage, the amount actually advanced should be reported to the Company.
- G. Rights of present tenants, lessees or parties in possession.
- H. Rights, if any, in favor of any electric light or telephone company to maintain guy wires extending from said premises to poles located on the roads on which said premises abut, but policy will insure, however, that there are no such agreements of record in connection therewith, except as may be shown herein.
- I. Underground encroachments and easements, if any, including pipes and drains, and such rights as may exist for entry upon said premises to maintain, and repair the same, but policy will insure, however, that there are no such agreements of record, in connection therewith, except as may be shown herein.
- J. The exact acreage of the premises herein will not be insured.
- K. Riparian rights, if any, in favor of the premises herein are not insured.
- L. Rights of others to drain through creeks or streams, if any, which cross premises and the natural flow thereof will be excepted.
- M. No personal inspection of the premises has been made. Policy will except "Any state of facts which a personal inspection of the premises herein described would disclose."
- N. Loss or damage by reason of non-compliance with the Federal "Truth In Lending Act."
- O. Subject to any loss or damage resulting from a claim made against the insured title based upon operation of federal bankruptcy, state insolvency or similar creditors' rights laws.
- P. Mortgage shown herein to be considered or disposed of.
- Q. Subject to Judgment filed 5/7/91.
- R. Certificate of Occupancy, if any, to come.
- S. Violation Search, to come.
- T. Street Report, to come.

Continued...

NOTE: New York State Real Property Transfer Report for the State Board of Equalization and Assessment must accompany each deed for recording.

The undersigned certifies to AMERICAN TITLE INSURANCE COMPANY that in his (its) opinion this Preliminary Certificate correctly reflects the status of the title to the property described in Schedule A, such opinion being based upon an examination of an abstract prepared by **HARDENBURGH ABSTRACT COMPANY** covering a period of at least sixty years (or from the date of certificate of prior Insurance No. _____) of all public records affecting title to said real estate; that so far as is known to him (it) there is no dispute among attorneys of the local bar as to the validity of said title, nor has any question been raised or adverse claim asserted with respect thereto; and that the title is not dependent upon a sale for delinquent taxes or assessments.

This title is certified down to the 15th day of October, 1992, at _____ o'clock _____ M


Hardenburgh Abstract Company
by James V. Rinaldi

/vh

NAME OF PARTY TO BE INSURED: Residential Mortgage Banking, Inc., its successors and/or assigns

AMERICAN TITLE INSURANCE COMPANY insures, subject to the matters shown in Schedule B, against loss or damage in the

5. Survey to come.

6. Judgments, Bankruptcies, Corporate Franchise Taxes and other State or Federal Liens. (set forth under section 7, if any.)

7. Other Encumbrances or Defects:

How Disposed of

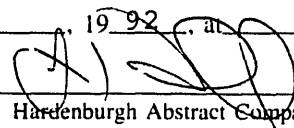
- A. The Company does not insure that the buildings or other erections upon the premises herein, or their use, comply with Federal, State and Municipal Laws, regulations and ordinances.
- B. No title to personal property will be insured nor has any search for chattel mortgages been made.
- C. No title is insured to any land lying in any street, road or avenue crossing or abutting the herein described premises; but, unless hereinafter excepted, the rights of access to and egress from said premises is insured.
- D. Deeds and mortgages must contain the covenant required by the Lien Law as amended by laws of 1942 and such covenant must be absolute and not conditional. The covenant is not required in deeds from referees or other persons appointed by a court for the sole purpose of selling property.
- E. The identity of parties at the closing of this title should be established to the satisfaction of the closing attorney acting for this Company.
- F. When the transaction is an assignment of a mortgage or other lien, an estoppel certificate executed by the owner of the fee and by the holders of all subsequent encumbrances must be obtained. When the transaction is a mortgage, the amount actually advanced should be reported to the Company.
- G. Rights of present tenants, lessees or parties in possession.
- H. Rights, if any, in favor of any electric light or telephone company to maintain guy wires extending from said premises to poles located on the roads on which said premises abut, but policy will insure, however, that there are no such agreements of record in connection therewith, except as may be shown herein.
- I. Underground encroachments and easements, if any, including pipes and drains, and such rights as may exist for entry upon said premises to maintain, and repair the same, but policy will insure, however, that there are no such agreements of record, in connection therewith, except as may be shown herein.
- J. The exact acreage of the premises herein will not be insured.
- K. Riparian rights, if any, in favor of the premises herein are not insured.
- L. Rights of others to drain through creeks or streams, if any, which cross premises and the natural flow thereof will be excepted.
- M. No personal inspection of the premises has been made. Policy will except "Any state of facts which a personal inspection of the premises herein described would disclose."
- N. Loss or damage by reason of non-compliance with the Federal "Truth In Lending Act."
- O. Subject to any loss or damage resulting from a claim made against the insured title based upon operation of federal bankruptcy, state insolvency or similar creditors' rights laws.
- P. Mortgage shown herein to be considered or disposed of.
- Q. Subject to Judgment filed 5/7/91.
- R. Certificate of Occupancy, if any, to come.
- S. Violation Search, to come.
- T. Street Report, to come.

Continued...

NOTE: New York State Real Property Transfer Report for the State Board of Equalization and Assessment must accompany each deed for recording.

The undersigned certifies to AMERICAN TITLE INSURANCE COMPANY that in his (its) opinion this Preliminary Certificate correctly reflects the status of the title to the property described in Schedule A, such opinion being based upon an examination of an abstract prepared by **HARDENBURGH ABSTRACT COMPANY** covering a period of at least sixty years (or from the date of certificate of prior Insurance No. _____) of all public records affecting title to said real estate; that so far as is known to him (it) there is no dispute among attorneys of the local bar as to the validity of said title, nor has any question been raised or adverse claim asserted with respect thereto; and that the title is not dependent upon a sale for delinquent taxes or assessments.

This title is certified down to the 15th day of October, 1992, at _____ o'clock _____ M


Hardenburgh Abstract Company
by James V. Rinaldi

/vh

NAME OF PARTY TO BE INSURED: Residential Mortgage Banking, Inc., its successors and/or assigns

AMERICAN TITLE INSURANCE COMPANY insures, subject to the matters shown in Schedule B, against loss or damage in the amounts set forth which its insured may sustain by the failure of this Preliminary Certificate to reflect correctly the record title to the property described as of the above date and hour; such insurance to be null and void unless its title policy is issued within nine (9) months from date and the premium thereon paid. Upon the issuance of said policy, this Certificate shall be of no further force and effect and no liability for loss or damage will be assumed by the Company other than that arising under said policy.

Executed this _____ day of _____, 19____

AMERICAN TITLE INSURANCE COMPANY

By: _____

7. Other Encumbrances or Defects (Cont'd.):

- U. For Mortgage Policy only: Company affirmatively insures that with the exception of providing utility service to the subject dwelling, that Easement and Right of Way in Liber 1362 Cp. 346 does not create any rights which extend more than 10 feet inside any record line, and that the exercise of any rights thereunder will not interfere with the use and occupancy of structural improvements located on the premises.

SCHEDULE "A"

All that certain plot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange and State of New York and bounded and described as follows:

BEGINNING at a point in the northwesterly side of Riverview Street (or Avenue) at the northeast corner of lands now or formerly owned by Ernest Bartholomew and running thence along the northwesterly side of said street North 35 degrees 2' East for 129.25 feet; thence at approximately a right angle to the preceding course approximately north 54 degrees 58' west 309.7 feet more or less to a point in the easterly line of lands formerly of H. Havemeyer, said point being distant 129.25 feet on a course North 36 degrees 54' East from the northwest corner of lands formerly of Laura P. Thorne and now or formerly of one O'Neill; from said point thence South 36 degrees 54' west 129.25 feet to the aforementioned northwest corner of lands formerly of Laura P. Thorne; thence South 53 degrees 46' East 150 feet to a point; thence South 54 degrees 58' East 159 feet 7 inches, more or less, to the northwesterly side of River Street, aforesaid, at the point or place of beginning.

BEING the same premises described in deed dated November 13, 1947, made by Alta Alexander to Michael Pennacchio and Lena Pennacchio and recorded in Orange County Clerk's Office November 24, 1947, in Liber 1067 of Deeds at page.382.

ALSO, ALL that certain piece or strip of land situate, lying and being in the Town of New Windsor, County of Orange and State of New York, being more particularly described as follows:

BEGINNING at a point in the westerly line of Riverview Street at the southeasterly corner of the lands heretofore conveyed by Alvin M. Thurston and Rose Thurston to Alvin M. Thurston and Roseanna J. Thurston by deed dated June 24, 1955 and recorded the same

being in the Town of New Windsor, County of Orange and State of New York and bounded and described as follows:

BEGINNING at a point in the northwesterly side of Riverview Street (or Avenue) at the northeast corner of lands now or formerly owned by Ernest Bartholomew and running thence along the northwesterly side of said street North 35 degrees 2' East for 129.25 feet; thence at approximately a right angle to the preceding course approximately north 54 degrees 58' west 309.7 feet more or less to a point in the easterly line of lands formerly of H. Havemeyer, said point being distant 129.25 feet on a course North 36 degrees 54' East from the northwest corner of lands formerly of Laura P. Thorne and now or formerly of one O'Neill; from said point thence South 36 degrees 54' west 129.25 feet to the aforementioned northwest corner of lands formerly of Laura P. Thorne; thence South 53 degrees 46' East 150 feet to a point; thence South 54 degrees 58' East 159 feet 7 inches, more or less, to the northwesterly side of River Street, aforesaid, at the point or place of beginning.

BEING the same premises described in deed dated November 13, 1947, made by Alta Alexander to Michael Pennacchio and Lena Pennacchio and recorded in Orange County Clerk's Office November 24, 1947, in Liber 1067 of Deeds at page 382.

ALSO, ALL that certain piece or strip of land situate, lying and being in the Town of New Windsor, County of Orange and State of New York, being more particularly described as follows:

BEGINNING at a point in the westerly line of Riverview Street at the southeasterly corner of the lands heretofore conveyed by Alvin M. Thurston and Rose Thurston to Alvin M. Thurston and Roseanna J. Thurston by deed dated June 24, 1955 and recorded the same day in the Orange County Clerk's Office in Liber 1351 of Deeds at page 263, said point being 129.25 feet measured in a northeasterly direction along the northwesterly line of River View Street from

the northeast corner of lands now or formerly owned by Ernest Bartholomew and runs thence from said point of beginning along the southerly line of said Thurston's lands North $54^{\circ} 13'$ West 165.28 feet to a point; thence into the lands of said Thurston South $66^{\circ} 45'$ East 53.23 feet to a point, said point being in range with a line 3 feet northerly from the north base of the Pennachio bungalow; thence South $48^{\circ} 24'$ East 113.9 feet to the point or place of beginning. (Said courses being in accordance with survey in November, 1961.) Containing 954 square feet of land be the same more or less.

BEING the same premises conveyed by Alvin M. Thurston and Roseanna J. Thurston, husband and wife, to Lena Pennachio, by deed dated the 19th day of September, 1962, and recorded in the Orange County Clerk's Office, on the 20th day of September, 1962, in Liber 1625 of Deeds at page 562.

EXCEPTING THEREFROM, property conveyed by Michael Pennacchio and Lena Pennacchio to Richard Burger and Sarah Burger, described as follows:

ALL that certain lot, piece or parcel of land situate in the Town of New Windsor, County of Orange and State of New York, and more particularly bounded and described as follows:

BEGINNING at a point in the westerly line of Riverview Street at the northeasterly corner of lands of Bartholomew, the said point being a distance of 198.0 feet measured on a course north $35^{\circ} 2'$ east along said westerly line of Riverview Street from the northerly line of Silver Spring Road and running thence from said point of beginning along the westerly line of Riverview Street north $35^{\circ} 2'$ east 52.0 feet to a point; thence into the lands of Pennacchio north $54^{\circ} 22'$ west 168.84 feet to a point; thence south $38^{\circ} 48'$ west, passing about 2 feet easterly from the easterly side of a garage on other lands of said Pennacchio, a distance of 53.5 feet to a point in the northerly line of lands of said Bartholomew

South 66° 45' East 53.23 feet to a point, said point being in range with a line 3 feet northerly from the north base of the Pennachio bungalow; thence South 48° 24' East 113.9 feet to the point or place of beginning. (Said courses being in accordance with survey in November, 1961.) Containing 954 square feet of land be the same more or less.

BEING the same premises conveyed by Alvin M. Thurston and Roseanna J. Thurston, husband and wife, to Lena Pennachio, by deed dated the 19th day of September, 1962, and recorded in the Orange County Clerk's Office, on the 20th day of September, 1962, in Liber 1625 of Deeds at page 562.

EXCEPTING THEREFROM, property conveyed by Michael Pennacchio and Lena Pennacchio to Richard Burger and Sarah Burger, described as follows:

ALL that certain lot, piece or parcel of land situate in the Town of New Windsor, County of Orange and State of New York, and more particularly bounded and described as follows:

BEGINNING at a point in the westerly line of Riverview Street at the northeasterly corner of lands of Bartholomew, the said point being a distance of 198.0 feet measured on a course north 35 degrees 2 minutes east along said westerly line of Riverview Street from the northerly line of Silver Spring Road and running thence from said point of beginning along the westerly line of Riverview Street north 35 degrees 2 minutes east 52.0 feet to a point; thence into the lands of Pennacchio north 54 degrees 22 minutes west 168.84 feet to a point; thence south 38 degrees 48 minutes west, passing about 2 feet easterly from the easterly side of a garage on other lands of said Pennacchio, a distance of 53.5 feet to a point in the northerly line of lands of said Bartholomew thence along said line south 53 degrees 46 minutes east 13.0 feet to a point of bend in said line; thence continuing south 54

degrees 58 minutes east 158.8 feet to the westerly line of Riverview Street at the point or place of beginning.

ALSO, EXCEPTING ALL that certain lot, piece or parcel of land, together with the dwelling thereon erected, situate, lying and being in the Town of New Windsor, County of Orange and State of New York, being more particularly described as follows:

BEGINNING at a point in the northwesterly line of Riverview Street at the southeasterly corner of a lot of land now or formerly of Alvin M. Thurston and Roseanna Thurston, which point being 129.25 feet measured along the northwesterly line of said street, northeasterly of the southeasterly corner of a lot of land now or formerly of Ernest Bartholomew; thence, along the northwesterly line of said street South $35^{\circ} 02'$ East 55 feet to a point which is 22.25 feet northeasterly from the northeast corner of lands of Burger; thence through the lands of the grantor, North, $54^{\circ} 13'$ West 150 feet to a point, and thence North $35^{\circ} 02'$ East $59\frac{1}{2}$ feet to point in the southwesterly line or side of said Thurston lot; thence along said Thurston lot South $66^{\circ} 45'$ East $38\frac{1}{2}$ feet to a point in range with a line 3 feet northerly from the north base of the dwelling house and, from said point, South $48^{\circ} 24'$ East 113.9 feet to the point or place of beginning.

TAX SEARCH

TOWN OF NEW WINDSOR
COUNTY OF ORANGE
SCHOOL DISTRICT 331100

1992 TAX ROLL

Assessed To: Jeffrey and Terri Rose

Bounded: Map 20 Block 1 Lot 27
22 x 159

Assessed Value: Land: \$ 2,100.00
Full: \$20,900.00

1992 State, County and Town Tax \$1,004.99 - paid January 3, 1992.

1992/93 School Tax:

1st Installment \$307.05 - paid October 6, 1992.
2nd Installment \$307.04 - open. Due December 8, 1992.
3rd Installment \$307.04 - open. Due March 8, 1993.

Subject to Sewer and Water owing, if any.

Policy will except all unpaid water rates and/or sewer
rents or assessments in the absence of paid bills and
receipts to be presented at closing.
If the said premises are in an incorporated village,
village tax receipt must be produced.
Does not include assessments for any special district
not a part of the state and county tax roll.

(CITY OF NEW WINDSOR, FLORIDA)
(COUNTY OF ORANGE, FLORIDA)
TAX MAP NO. 20-1-27
22 x 159

Michael Pennacchio and
Lena Pennacchio,
husband and wife

To

Richard Burger and
Sarah Burger
husband and wife

F. C. W. Deed with
Lien Covenant
Dated September 26, 1955
Cons. \$10.00 etc.
Ack. September 26, 1955
Rec. September 27, 1955
Book 1362 Page 346
Habendum Clause: as
tenants by the entirety

Conveys:

All that certain lot, piece or parcel of land situate in the Town of New Windsor, County of Orange and State of New York, and more particularly bounded and described as follows:

Beginning at a point in the westerly line of Riverview Street at the northeasterly corner of lands of Bartholomew, the said point being a distance of 198.0 feet measured on a course north 35 degrees 2 minutes east along said westerly line of Riverview Street from the northerly line of Silver Spring Road and running thence from said point of beginning along the westerly line of Riverview Street north 35 degrees 2 minutes east 52.0 feet to a point; thence into the lands of Pennacchio north 54 degrees 22 minutes west 162.84 feet to a point; thence south 38 degrees 48 minutes west, passing about 2 feet easterly from the easterly side of a garage on other lands of said Pennacchio, a distance of 53.5 feet to a point in the northerly line of lands of said Bartholomew; thence along said line south 53 degrees 46 minutes east 13.0 feet to a point of bend in said line; thence continuing south 54 degrees 58 minutes east 158.8 feet to the westerly line of Riverview Street at the point or place of beginning.

Being a part or portion of the same premises which were conveyed by Alta Alexander to Michael Pennacchio and Lena Pennacchio husband and wife, by deed dated November 13th, 1947, recorded in Orange County Clerk's office on November 24th, 1947 in Liber 1067 of Deeds at page 382.

Subject to such state of facts as an accurate survey and a personal inspection of the premises may reveal, provided the same do not render title unmarketable.

The herein described premises are subject to the following restrictions which shall attach to and run with the title to said lands forever:

No building of any nature shall be erected upon any single lot or plot except one dwelling for the use and occupancy of not more than one family and any such one-family dwelling erected thereon shall not cost less than \$10,000.00.

Together with a right of way for the purpose of ingress and egress on foot and by pleasure auto vehicles over a strip of driveway 168.84 feet in length, and 17 feet in width, more or less, bounded on the north 54 degree 22 minute west course line of the herein described premises, such driveway joining the westerly line of Riverview Street. Said driveway shall be kept unobstructed and open at all times, and no vehicles of any kind shall be parked or permitted to stand therein except for such time as is necessary for unloading.

And it is further agreed that the purchasers herein and their respective distributees and assigns shall share the expense of maintaining and keeping said driveway in condition for use by such pleasure auto-vehicles with the sellers herein.

Robert D. Clouse, Sr.

11 Mount Hope Road

Otisville, New York

- Against -

Jeff Rose

Route 211

Otisville, New York

JUDGMENT

Filed: 5/7/91

Perf.: 5/3/91

Amount: \$73.30

Justice Court:

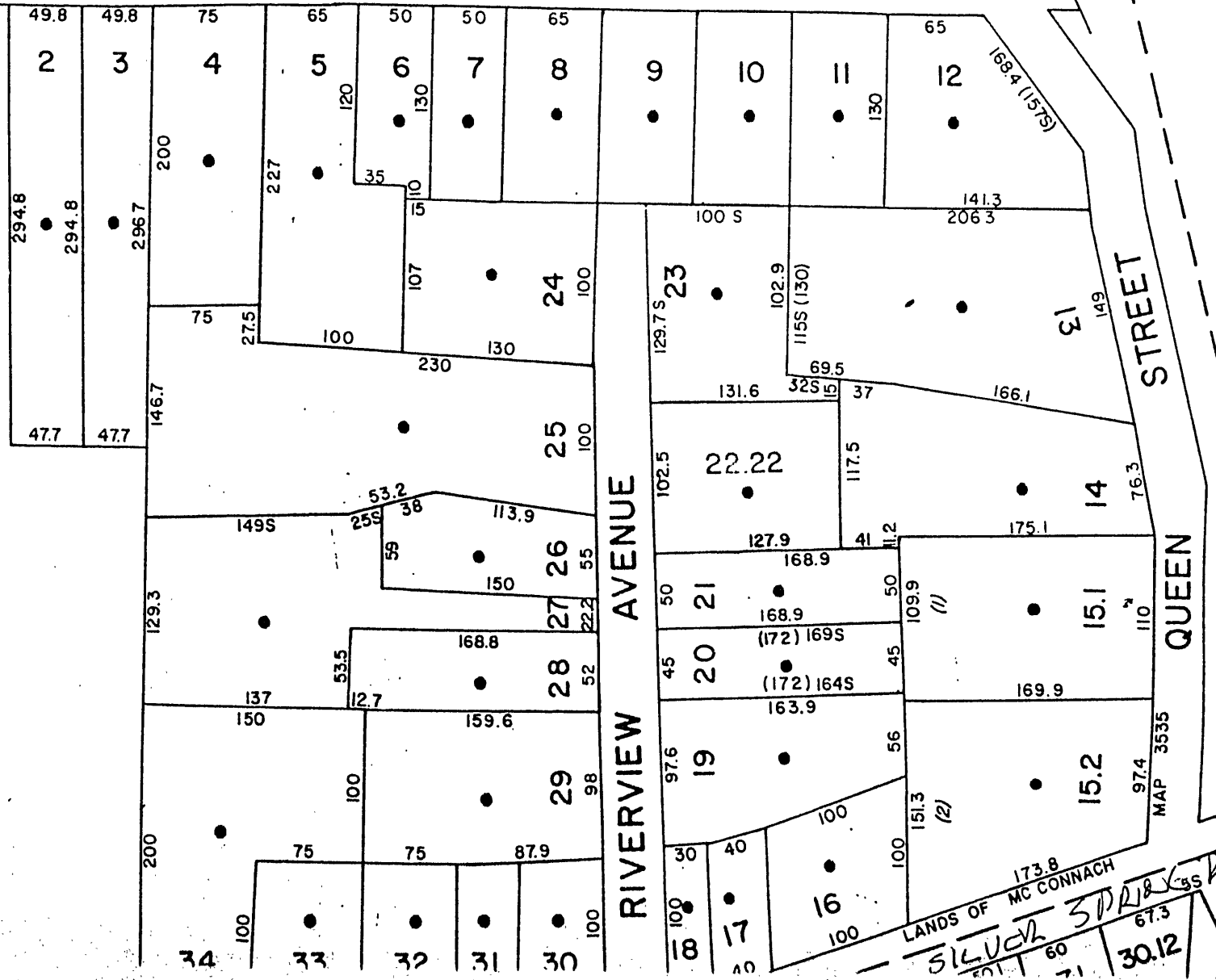
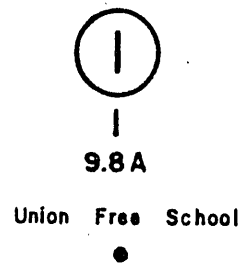
Orange County

* * *

20-1-27

BROAD STREET

576 S



LANDS OF MC CONNACH
SILVER SPRING RD

MAP 3535

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals
of the TOWN OF NEW WINDSOR, New York will hold a
Public Hearing pursuant to Section 48-34A of the
Zoning Local Law on the following proposition:

Appeal No. 39

Request of JEFFREY ROSE

for a VARIANCE of
the regulations of the Zoning Local Law to
permit existing additions to residential dwelling
with insufficient rear yard;

being a VARIANCE of
Section 48-12-Table of Use/Bulk Regulations-Col. G
for property situated as follows:

6 Riverview Avenue, New Windsor, N.Y. 12553, known
and designated as tax map Section 20-Blk. 1-Lot 27.

SAID HEARING will take place on the 23rd day of
November, 1992, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
7:30 o'clock P. M.

RICHARD FENWICK
Chairman

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

92-39

Date: 10/30/92

I. Applicant Information:

- (a) JEFFREY and TERRI ROSE, 6 Riverview Avenue, New Windsor, N.Y. x
(Name, address and phone of Applicant) (Owner)
- (b) -
(Name, address and phone of purchaser or lessee)
- (c) -
(Name, address and phone of attorney)
- (d) Cuomo Engineering, Paul V. & Assocs., Stewart Airport, New Windsor, N.Y.
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- (☐) Use Variance (☐) Sign Variance
- (☒) Area Variance (☐) Interpretation

III. Property Information:

- (a) R-4 6 Riverview Avenue, New Windsor, N.Y. 20-1-27 129 x 144 +
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? n/a
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? 11/02/81
- (e) Has property been subdivided previously? No
- (f) Has property been subject of variance previously? No
If so, when? -
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: n/a
- _____
- _____
- _____

IV. Use Variance. n/a

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____
- _____
- _____

(a) Interpretation requested of New Windsor Zoning Local Law,
Section _____, Table of _____ Regs.,
Col. _____.

<u>x</u>	Copy of referral from Bldg./Zoning Insp. or Planning Bd.
<u>x</u>	Copy of tax map showing adjacent properties.
<u>n/a</u>	Copy of contract of sale, lease or franchise agreement.
<u>x</u>	Copy of deed and title policy.
<u>x</u>	Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
<u>n/a</u>	Copy(ies) of sign(s) with dimensions and location.
<u>x</u>	Check in the amount of \$ <u>50.00</u> & payable to TOWN OF NEW WINDSOR.
	\$250.00
<u>x</u>	Photographs of existing premises which show all present

Date: 10/30/92

n/a
 (b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. G.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. <u>40 ft.</u>	<u>17 ft. 3 in.</u>	<u>22 ft. 9 in.</u>
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** No-residential districts only

(b) The legal standard for an "area" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you may have made to alleviate the difficulty other than this application. Applicant constructed the additions without the benefit of a building permit. At the present time, applicant is in the process of refinancing the residential dwelling and finds himself in a bind because he cannot produce a certificate of occupancy. In order to make the additional structures legal, applicant must seek a 22 ft. 9 in. rear yard variance. (Additional comments continued on addendum attached hereto).

VI. Sign Variance: n/a

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

S/
(Applicant)

Sworn to before me this.

30th day of October, 1992.

PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1993.

XI. ZBA Action:

(a) Public Hearing date: _____.

(b) Variance: Granted ☐ Denied ☐

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

APPLICATION FOR AREA VARIANCE - JEFFREY ROSE & TERRI ROSE
#92-39.

The only feasible method which applicant can pursue is the variance process in view of the fact that there is no additional property available for applicant to purchase.

Applicant feels that the granting of the variance will not be detrimental to the health, safety or welfare of the neighborhood or community since the property is zoned for single-family residential use only and the code is very specific with regard to the regulations for residential use.

Applicant is seeking a rear yard variance on a large parcel of property located in an R-4 zone. The variance request is for 22 ft. 9 in. Applicant feels that this request is not substantial when considering the size of the parcel. Applicant made the decision to place the addition in the rear yard simply because there was more room available and would have had to seek other variances if the addition were placed in another area of the parcel.

Since this parcel can only be used for single-family residential use, applicant feels that the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

The difficulties stated above are the result of a self-created hardship on the part of the applicant. However, applicant is willing to and is seeking the above rear yard variance in order to conform to the bulk regulations in the R-4 residential zoning district.



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

66

October 28, 1992

Terry & Jeff Rose
6 Riverview Ave.
New Windsor, NY 12553

Re: Tax Map Parcel: 20-1-27

Dear Mrs. & Mr. Rose:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$85.00, minus your deposit of \$25.00. Please remit the balance of \$60.00 to the Town Clerk's office.

Sincerely,

Leslie Cook (CD)

Leslie Cook
SOLE ASSESSOR

LC/cad
Attachments
cc: Pat Barnhart

Antonacci, Leo P. & Lucretia M.
4 Broad St.
New Windsor, NY 12553

Clemente, Leonard A. & Marcv A.
6 Broad St.
New Windsor, NY 12553

Biasi, H. Allen
240 Leslie Ave.
New Windsor, NY 12553

Monte, Joseph & Lillian M.
10 Broad St.
New Windsor, NY 12553

Holdsworth, Ellen
16 Broad St.
New Windsor, NY 12553

Palchus, Gloria & Leonard S.
2 Fanewood Dr.
New Windsor, NY 12553

Bonita, Richard & Lisa Marie
18 Broad St.
New Windsor, NY 12553

Caldwell, John D. & Melini
20 Broad St.
New Windsor, NY 12553

Blair, Loretta
Broad St.
New Windsor, NY 12553

Fitz, Patrick Charles & Jane
24 Broad St.
New Windsor, NY 12553

City School District of Newburgh
98 Grand St.
Newburgh, NY 12550

Estate of Anna M. White
21 Broad St.
New Windsor, NY 12553

Smith, Diane M.
19 Broad St.
New Windsor, NY 12553

Conklin, Grace A. & Elza J. &
Barry W.
17 Broad St.
New Windsor, NY 12553

Denny, Charles H. Sr.
15 Broad St.
New Windsor, NY 12553

Denny, Charles H. Jr.
13 Broad St.
New Windsor, NY 12553

Librizzi, Dorothy & Eugene Vinci
15 St. Joseph Place
New Windsor, NY 12553

Nauer, Henry & Hilda
9 Broad St.
New Windsor, NY 12553

O'Boy, John H. & Anne M.
7 Broad St.
New Windsor, NY 12553

Mott, Paul J. & Lori A.
5 Broad St.
New Windsor, NY 12553

Nawn Trust
c/o William F. Pizarro
19 Lookout Rd.
Fishkill, NY 12542

Kirwan, Edward J. Jr. & Elizabeth M.
15 Queen St.
New Windsor, NY 12553

Damanda, Daune & Anne
11 Queen St.
New Windsor, NY 12553

Mihalco, Helen K.
7 Queen St.
New Windsor, NY 12553

Schobert, Peter H. & Diane S. Covle
5 Queen St.
New Windsor, NY 12553

Figueroa, Evelyn
36 Silver Spring Rd.
New Windsor, NY 12553

Coan, Barbara
38 Silver Spring Rd.
New Windsor, NY 12553

Horaz, Alexander & Maude
40 Silver Spring Rd.
New Windsor, NY 12553

Clark, Perry D.
42 Silver Spring Rd.
New Windsor, NY 12553

Harris, David J. & Anne M.
1 Riverview Ave.
New Windsor, NY 12553

Babcock, Joseph W. & Gertrude E.
3 Riverview Ave.
New Windsor, NY 12553

Kennedy, Patrick T. & Darcy B.
5 Riverview Ave.
New Windsor, NY 12553

Donaldson, William S. & Jennifer A.
7 Riverview Ave.
New Windsor, NY 12553

Jamieson, Gordon J. & Neva A.
9 Riverview Ave.
New Windsor, NY 12553

Dukas, John & Katherine
12 Riverview Ave.
New Windsor, NY 12553

Rourk, James B. & Edna Mae
10 Riverview Ave.
New Windsor, NY 12553

Parrington, Denis & Holly
8 Riverview Ave.
New Windsor, NY 12553

Hinkson, Christopher & Theresa
4 Riverview Ave.
New Windsor, NY 12553

Calapa, Lisa A.
2 Riverview Ave.
New Windsor, NY 12553

Cornman, Wade C. & Debra L.
46 Silver Spring Rd.
New Windsor, NY 12553

Tibby, George W. & Gladys M.
48 Silver Spring Rd.
New Windsor, NY 12553

Lawlor, William A. & Gladys E.
50 Silver Spring Rd.
New Windsor, NY 12553

Brady, Terence M. & Heather M.
52 Silver Spring Rd.
New Windsor, NY 12553

Miller, June
56 Silver Spring Rd.
New Windsor, NY 12553

Papazian, Armen R. & Jana M.
67 Silver Spring Rd.
New Windsor, NY 12553

Couser, Vernon L. & Claudia
65 Silver Spring Rd.
New Windsor, NY 12553

Weber, Gertrude B.
1 Tree Haven Lane
New Windsor, NY 12553

Janson, Michael
3 Tree Haven Lane
New Windsor, NY 12553

Thompson, Charles Ivan & Jane F.
24 Fernandez Dr.
New Windsor, NY 12553

Kingsley, George S. & Linda H.
59 Silver Spring Rd.
New Windsor, NY 12553

Trent, Raffaella
57 Silver Spring Rd.
New Windsor, NY 12553

Spellman, William S. & Kathleen H.
20 Fernandez Dr.
New Windsor, NY 12553

Petrocelli, Michael & Jo Anne & Frances Stasio
47 Silver Spring Rd.
New Windsor, NY 12553

White, Patrick F.
53 Silver Spring Rd.
New Windsor, NY 12553

Winters, Richard S. & Kim
49 Silver Spring Rd.
New Windsor, NY 12553

Creagan, James B. & Phyllis
18 Fernandez Dr.
New Windsor, NY 12553

Bothwell, James W. & Karen
RD #1 Box 692 Arbor Rd.
Campbell Hall, NY 10916

Daly, George C.
RD #2 Box 376 Mt. Airy Rd.
New Windsor, NY 12553

Van Houten, George & Charlene
41 Silver Spring Rd.
New Windsor, NY 12553

Hein, William & Dale
39 Silver Spring Rd.
New Windsor, NY 12553

Benitez, David
35 Silver Spring Rd.
New Windsor, NY 12553

Coan, Maureen A.
35A Silver Spring Rd.
New Windsor, NY 12553

Kelly, Mary
735 Jacqueline Dr. (2 Parcels 20-2-30.12 & 20-2-30.22)
Valley Cottage, NY 10989

Kelly, David G. & Mary C.
735 Jacqueline Dr.
Valley Cottage, NY 10989

Ostner, Richard & Christine
RD2 Box 346 Bethlehem Rd.
New Windsor, NY 12553

Fanurakis, Emanuel & Muriel
51 Silver Spring Rd.
New Windsor, NY 12553

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK

-----x
In the Matter of Application for Variance of

Jeffrey Rose.

Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

#92-39.
-----x

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age
and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On November 10, 1992, I compared the 66 addressed
envelopes containing the attached Notice of Public Hearing with
the certified list provided by the Assessor regarding the above
application for variance and I find that the addressees are
identical to the list received. I then mailed the envelopes in a
U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
12th day of November, 1992.

Deborah Green
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 1993

(TA DOCDISK#7-030586.AOS)

B.

ORANGE COUNTY DEPARTMENT OF PLANNING
APPLICATION FOR MANDATORY COUNTY REVIEW
OF LOCAL PLANNING ACTION
(Variances, Zone Changes, Special Permits, Subdivisions)

Section A. - To be completed by Local Board having jurisdiction.
To be signed by Local Official.

Local File No. 92-39

1. Municipality TOWN OF NEW WINDSOR Public Hearing Date 11/23/92

☐ City, Town or Village Board ☐ Planning Board ☒ Zoning Board of Appeals

2. Applicant: NAME JEFFREY and TERRI ROSE

Address 6 Riverview Avenue, New Windsor, N. Y. 12553

Attorney, Engineer, Architect Paul V. Cuomo & Assocs.

3. Location of Site: 6 Riverview Avenue (near Broad Street)
(street or highway, plus nearest intersection)

Tax Map Identification: Section 20 Block 1 Lot 27

Present Zoning District R-4 Size of Parcel 129 x 144 +

4. Type of Review:

☐ Special Permit Use* _____

☒ Variance* Use _____

Area - Rear yard variance - see attached application

☐ Zone Change* From: _____ To: _____

☐ Zoning Amendment* To Section: _____

☐ Subdivision** Major _____ Minor _____

10/30/92
Date

Patricia A. Barnhart
Signature and Title
PATRICIA A. BARNHART, ZBA Secretary

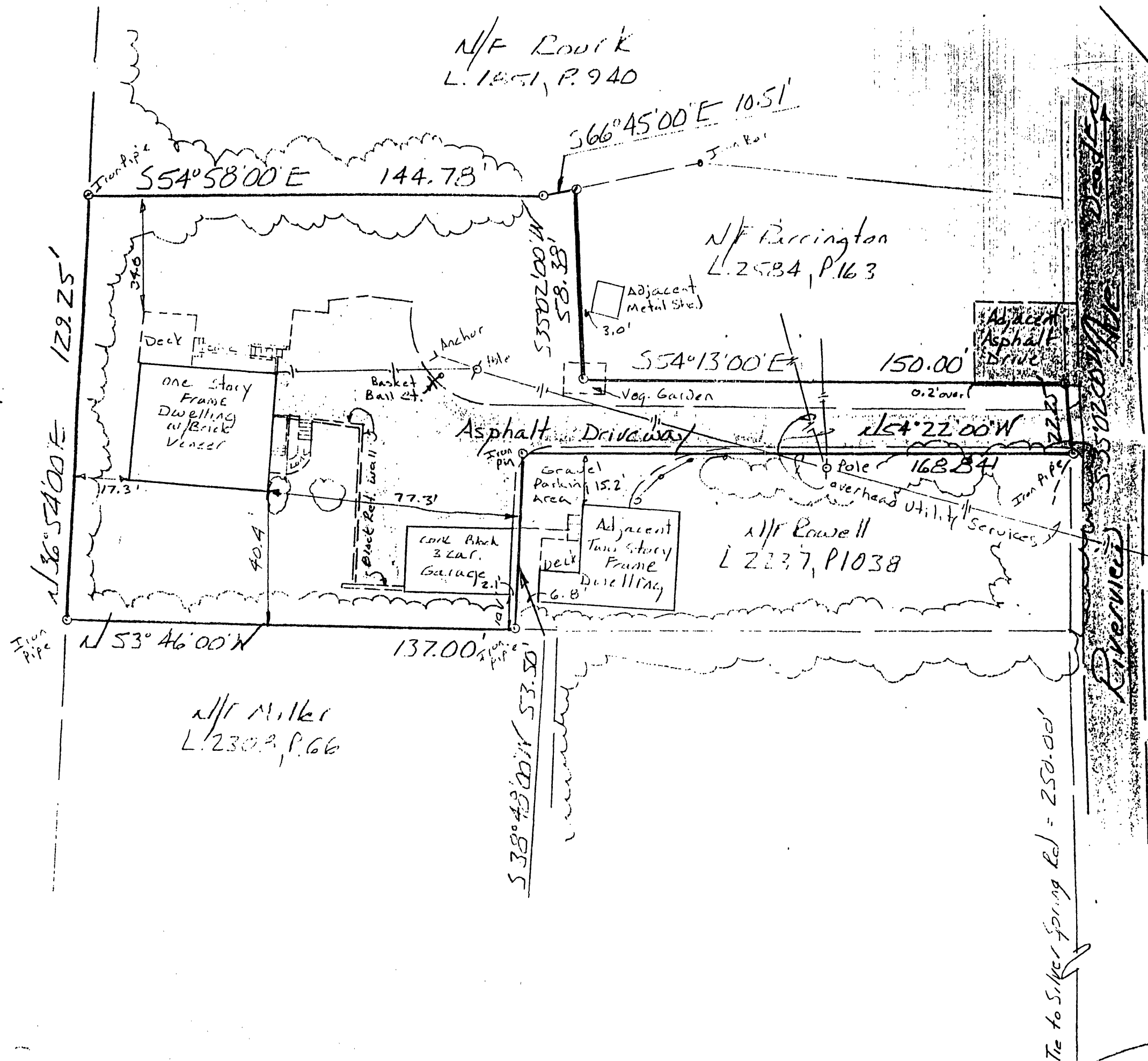
*Cite Section of Zoning Regulations where pertinent

**Three (3) copies of map must be submitted if located along County
Highway, otherwise, submit two (2) copies of map.

OCPD-1

N/F City School District - City of Newburgh
(New Windsor School)

L. 1936, P. 1079



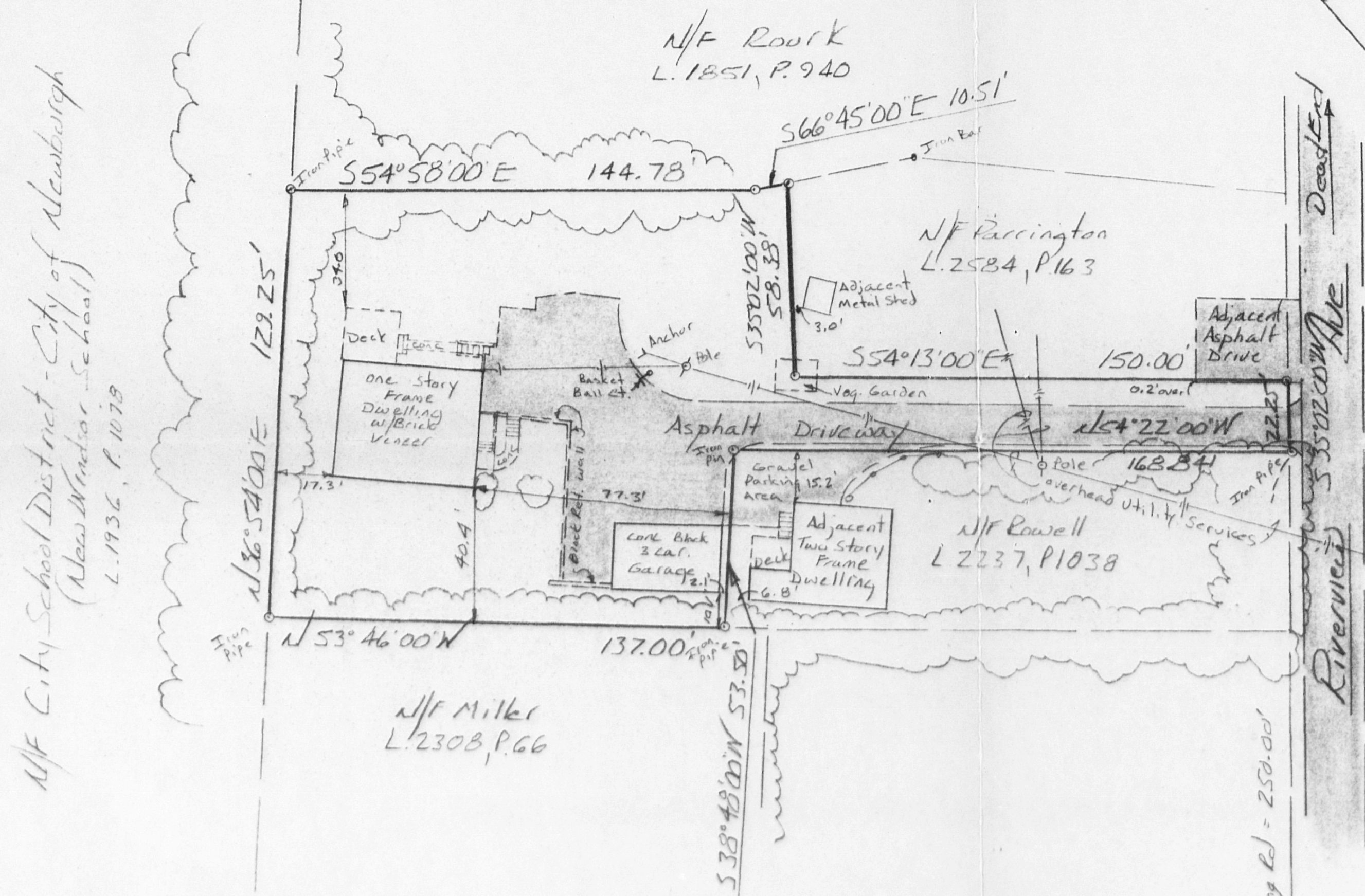
Lot : 27

Liber Page

22,850 SF. = 0.525 acres

Notes:

1. Subject to An Easement for Ingress and Egress to Riverview Ave. over the existing driveway to land of F Rowell.
2. Subject to utility easements of record, if any.



Jeffrey R. Rose, Terry A. Rose,
Residential Mortgage Banking, Inc.,
its successors and/or assigns and
American Title Insurance Company
certified to be a correct and accurate
survey

Oct. 7, 1992

Silver Spring Road



1. Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, sub-division 2 of the N.Y. State Education Law.
2. Only copies from the original of this survey marked with an original of the land surveyor's inked seal or his embossed seal shall be considered to be valid true copies.
3. Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors. Said certifications shall run only to the person for whom the survey is prepared, and on his behalf to the title company, governmental agency and lending institution listed hereon, and to the assignees of the lending institution. Certifications are not transferable to additional institutions or subsequent owner.
4. Underground improvements or encroachments, if any, are not shown hereon.

Patrick T. Kennedy, L.S. 219 Quassaick Ave. • New Windsor • New York • 12553		
SCALE 1" = 30'	APPROVED BY	DRAWN BY
DATE Oct. 1, 1992		REVISED
Survey of Lands for Jeffrey R. Rose Sr. & Terry A. Rose Town of New Windsor Orange County, New York		
		DRAWING NUMBER 89-944